

## **Minneapolis City Planning Department Report**

### **Waiver from Moratorium Application for Long Moune Auto Sales 1821 West Broadway**

**Hearing Date:** July 16, 20023

**Applicant:** Ya Vang

**End of 60-Day Decision Period:** 8/5/02

**Address of Property:** 1821 West Broadway

**Contact Person and Phone:** Ya Vang, 4908 Impatiens Ave., Brooklyn Park, MN 55443 (voice: 612-325-8008, fax: 651-917-9587)

**Planning Staff and Phone:** J. Michael Orange, City Planner (voice: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; Email: michael.orange@ci.minneapolis.mn.us)

**Ward:** 5                      **Neighborhood Organization:** Northside Residents Redevelopment Council, Jordan Area Community Council, West Broadway Area Coalition

**Existing Zoning:** C1, Neighborhood Commercial District (zoning prior to 1999 city-wide rezoning: B3C-2, Community Commercial District)

**Proposed Use:** Used car sales

**Reason for Waiver:** According to the applicant, Mr. Vang purchased the property last March with the intent of establishing a used car dealership. He has endured an economic hardship because the West Broadway Moratorium is delaying the consideration of his applications for a zoning petition, conditional use permit, and site plan review (BZZ-704) that he filed on June 11, 2002. Without the approved permits, he cannot establish his business, yet he must continue to pay the mortgage, taxes, and other costs related to the property.

#### **Background:**

##### **Site Analysis**

##### **Investigation by Licenses Department**

##### **Neighborhood Review**

**The West Broadway Rezoning Study and Moratorium:** The subject site is within the West Broadway Rezoning Study Area. For reasons detailed in Attachment 4, the City required that no zoning approval, building, construction, or demolition permit or license for the establishment, reestablishment or expansion of any commercial or industrial use in this moratorium area shall be allowed or granted for any property located in this study area by any

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City department. The moratorium will be in effect until November 22, 2002 unless extended by the City. Planning staff expect the rezoning study to be completed by that time or earlier. Unless the City Council and Mayor approve of this waiver request, the City must wait until the lifting of the moratorium to consider the zoning applications.

**Appropriate Section(s) of the Zoning Code:** Used car sales are first allowed as a conditional use in the C4, General Commercial District. As such, the Zoning Office directed Mr. Vang to apply for a rezoning petition from the current C1 zoning to C4 zoning, plus the needed conditional use permit and site plan review approval.

The former use on the site was a trailer rental business that the applicant asserts had been there for at least 18 years. The zoning on the site prior to the 1999 citywide rezoning was B3C-2, Community Commercial District. Trailer sales and rental uses were permitted uses in this district [section 540.1520 (38) of the 1963 Code]. Planning staff informed the applicant that the Planning Department would not support a rezoning of the site from C1 to C4 as proposed but that there was an alternative approach. The applicant could seek a nonconforming use certificate for the prior use, and apply for a change of nonconforming use permit to allow the used car sales on the site. Used car sales were also a permitted use in the former B3C-2 District [section 540.1520 (28) of the 1963 Code].

**Neighborhood Review:** Attachment 7 includes the request from the Northside Resident Redevelopment Council to postpone consideration of the waiver request until August 27, 2002.

**Limited Site Plan Review Standards (If warranted):** Not applicable.

**Findings:**

Section 576.50 provides that in cases of hardship the City Council may grant a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

**Hardship:** As stated above, Mr. Vang asserts that he has endured an economic hardship because the West Broadway Moratorium is delaying the consideration of his zoning applications that he filed on June 11, 2002. Without the approved permits, he cannot establish his business, yet he must continue to pay the mortgage, taxes, and other costs related to the property.

**Affect on planning process:** Following language adopted in recent community workshops, the West Broadway Rezoning Study is utilizing the term "The Curve" for the section of West Broadway between James and Oliver Avenues where the subject site is located. Planning considerations for The Curve include the following (Attachment 5):

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- Commercial activity is appropriately concentrated around Penn Avenue, and around Irving Avenue and eastward. Development in the Curve should move in the direction of residential development where it can do so without displacing existing commercial enterprises. This makes the street more intelligible, and strengthens the market for commercial activity at the nodes.
- Medium-density residential development on The Curve should be supported. It contributes to the safety of West Broadway and the health of its businesses, and it supports existing public transportation infrastructure.

These two policy themes are supported by accepted principles of urban planning, as well as by community sentiment as reflected in recent community-based conversations. Based on these considerations, future zoning of the 1821 parcel is likely to remain neighborhood-compatible commercial (C1), office residential (OR2), or medium-density residential (R4 or R5). A different proposed zoning for this parcel is possible but unlikely.

The Zoning Code requires staff to evaluate a project's compatibility with the surrounding area and with the City's adopted Comprehensive Plan. This is the case for all the needed permits for this project no matter which course the applicant chooses as described above. In 1999, the City very consciously down-zoned the area of the subject site from the most intense commercial district (B3C) to the least intense in the new Code (C1). Used car sales may be incompatible with the above draft policies in the West Broadway Rezoning Study. Since the rezoning study has the potential to result in amendments to the Comprehensive Plan and the Zoning Code, as well as changes to the character of the West Broadway Rezoning Study Area, it would be difficult and inappropriate for staff to attempt a compatibility analysis prior to the completion of the study. Granting the waiver may unduly affect the integrity of the planning process.

**Recommendation of the City Planning Department:**

The City Planning Department recommends that the City Council adopt the above findings and **deny** the waiver application for the Long Moune Auto Sales at 1821 West Broadway Ave.

**Attachments:**

1. Zoning in the general area and lot area map
2. Site plan and landscape plan
3. Elevations, floor plan, and fence and sign details
4. Moratorium Ordinance
5. West Broadway Rezoning Study map (draft)
6. Information from the applicant
7. Letter from Kevin Gulden, Northside Residents redevelopment Council
8. Photos of the site